

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DAVID E. KAPLAN, et al.,

Plaintiffs,

- against -

S.A.C. CAPITAL ADVISORS, L.P., et al.,

Defendants.

No. 12 Civ. 9350 (VM)
(KNF)

ECF Case

BIRMINGHAM RETIREMENT AND RELIEF
SYSTEM, et al.,

Plaintiffs,

- against -

S.A.C. CAPITAL ADVISORS, LLC, et al.,

Defendants.

No. 13 Civ. 2459 (VM)
(KNF)

Oral Argument Requested

**DEFENDANT MATHEW MARTOMA'S NOTICE OF MOTION TO DISMISS THE
JOINT CONSOLIDATED AMENDED CLASS ACTION COMPLAINT**

PLEASE TAKE NOTICE that, upon the accompanying Joinder in SAC's Motion to Dismiss the Joint Consolidated Amended Class Action Complaint and any prior pleadings, submissions and proceedings in this matter, Defendant Mathew Martoma, by and through his counsel, will move this Court, before the Honorable Victor Marrero, United States District Judge, at the United States Courthouse, 40 Foley Square, New York, New York 10007, at such a date and time as the Court may direct, for an Order dismissing all claims asserted against him in the Joint Consolidated Amended Class Action Complaint with prejudice and in their entirety pursuant to Federal Rule of Civil Procedure 12(b)(6).

Dated: April 28, 2014
New York, New York

Respectfully submitted,

GOODWIN PROCTER LLP

By: /s/ Richard M. Strassberg
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CERTIFICATE OF SERVICE

I hereby certify that on April 28, 2014, I caused a true and correct copy of the foregoing to be served by electronic means, via the Court's CM/ECF system, on all counsel registered to receive electronic notices. I also certify that I have caused copies of the aforementioned document to be served via first class mail, postage prepaid upon all non-CM/ECF participants.

/s/Richard M. Strassberg
Richard M. Strassberg (RS5141)